



Department of Justice

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SIX WEEK MEDICARE FRAUD TRIAL RESULTS IN GUILTY VERDICTS

TAMPA, FL - U.S. Attorney Robert E. O'Neill announces that a federal jury on Wednesday found Ben Bane (age 64, of Plant City), Greg Bane (age 40, of Valrico), and Tracy Bane (age 40, of Valrico) guilty of all ten counts in a superseding indictment charging them each with one count of conspiracy to defraud the United States, five counts of health care fraud, and four counts of making false claims to the government. The defendants each face a maximum sentence of 10 years in federal prison for each of the health care fraud charges, and 5 years in federal prison for each of the conspiracy and false claims charges. The sentencing hearings are all scheduled for March 23, 2011.

According to the testimony and evidence presented over the course of the six week trial, Ben Bane was the President of Bane Medical Services, which was a Durable Medical Equipment (DME) company that provided oxygen and oxygen-related services to Medicare beneficiaries. Greg Bane was the Vice President for Operations and Tracy Bane was the billing supervisor. Together, they knowingly broke a core rule of Medicare prohibiting DME companies from performing the qualification testing for oxygen, that is, the company that sells the service cannot be the one to determine if a patient needs it. In violation of this rule and over the course of four years, Bane Medical performed the wrong kinds of tests and

lied to doctors about it; falsified test results to make it appear that the patients qualified for Medicare-reimbursed oxygen when they did not; and forged doctors signatures on Certificates of Medical Necessity.

In the end, Ben Bane sold Bane Medical to another DME company. Shortly before the sale, and to cover up the crime, hundreds of test results were fabricated in order to make it appear that an independent lab had done the necessary tests. At Ben Bane's house, bags full of records were burned. In total, Bane Medical fraudulently obtained more than \$5 million from Medicare and then Ben Bane sold the company for \$21 million.

"Prosecuting health care fraud is a priority of our office," said U.S. Attorney O'Neill. "We will continue to work with our federal, state, and local partners to go after those who attempt to defraud our Government programs."

Special Agent-in-Charge Christopher B. Dennis of the U.S. Department of Health and Human Services (HHS) Office of the Inspector General (OIG) stated that "The conviction of Ben Bane, Greg Bane, and Tracy Bane is a testimony to our commitment to bring to justice those who would unscrupulously defraud Government programs, such as Medicare and Medicaid." HHS is the department of the federal government that administers Medicare and, under the Health Care Fraud Strike Force, continues to aggressively pursue health care fraud cases.

"Health care fraud steals essential funds and resources from those who need it the most," said Special Agent-in-Charge Steven Ibison of the Federal Bureau of Investigation (FBI). "As in this case, those who participate in this type of self serving criminal activity can count on being pursued and investigated aggressively. Our citizens deserve no less!"

This case was investigated by the HHS-OIG and the FBI. It is being prosecuted by Assistant United States Attorneys Thomas N. Palermo and Christopher P. Tuite.